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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/755,084	01/08/2001	James H. Waldo	06502.0110-01	6895

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

EXAMINER

AILES, BENJAMIN A

ART UNIT	PAPER NUMBER
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2142

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/755,084

Applicant(s)

WALDO ET AL.

Examiner

Benjamin A. Ailes

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 December 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-24 and 26-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-24 and 26-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. The instant application has been assigned to a new examiner. Please see the conclusion section below for updated contact information.
2. Claims 8-24 and 26-39 remain pending.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
5. Claims 8-24 and 26-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pal et al. (U.S. 6,219,675), hereinafter referred to as Pal in view of Hogan et al. (U.S. 5,873,099), hereinafter referred to as Hogan.

6. Regarding claims 8, 22, and 26, Pal discloses a database data processing system comprising having the function to receive an update request (see col. 5, lines 23-33 and 43-45) and the function of services being unaffected by the update continuing to be available for use while the update occurs (col. 6, lines 40-50). Pal does not explicitly disclose the database data processing system being a lookup service as claimed by the applicant, however, it would have been obvious to one of ordinary skill in the computer networking and database art at the time of the applicant's invention that the claimed invention differed from the teachings of Pal only by a degree. It is well known to one of ordinary skill in the art that the lookup service referred to in the claims is an obvious variation of the database because databases are used for lookup services or for query services. For example, in related art, Hogan discloses a lookup service utilizing a database to manage queries sent to the lookup service (e.g. add, delete, update, commit) (see Abstract and col. 8, lines 49-58). It is for the reasons stated above that one of ordinary skill in the art would have been motivated to modify the lookup service as disclosed by Hogan to utilize the distributed database functions as disclosed by Pal.

7. Regarding claims 9-11 and 27-29, in accordance with claim 8, Pal's teachings are incorporated hereinabove. Hogan taught adding or associating a new service (col. 6, lines 37-44); disassociating or deleting an existing service (col. 6, lines 37-44); modifying the attributes of one of the associated services (col. 66, lines 16-24). The rationale for the motivation used to combine the teachings of Pal and Hogan in claim 8 applies equally as well to claims 9, 10, and 11.

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8. Regarding claims 12-21, 23-24, 30-39, Pal discloses a database data processing system comprising having the function to receive a request to be notified when the database is updated, determining when the database is updated, generating a notification when it is determined that the database is updated, receiving the request from a client and notifying the client of the update (col. 5, lines 17-22), notifying a second client of the update, the second client being different than the first client (col. 5, lines 25-33), receiving a reference to a callback routine and invoking the callback routine to perform the notification (col. 5, lines 25-37). As explained in claim 8, Pal does not explicitly disclose the database data processing system being a lookup service as claimed by the applicant, however, it would have been obvious to one of ordinary skill in the computer networking and database art at the time of the applicant's invention that the claimed invention differed from the teachings of Pal only by a degree. The rationale for the motivation used to combine the teachings of Pal and Hogan in claim 8 applies equally as well to claims 12-15. When combining Pal and Hogan it should be recognized that the flexibility and functionality of Pal's notification system would be increased by having the ability to notify the client about added and deleted services by use of Pal's callback functions (see Hogan, col. 47, lines 6-55 and Pal, col. 5, lines 25-37).

Response to Arguments

9. Applicant's arguments with respect to all claims have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Windsor (U.S. 5,734,706) discloses a caller identification and data retrieval system.

Butt (U.S. 6,101,528) discloses a method and apparatus for discovering server applications by a client application in a network of computer systems.

Elnozahy et al. (U.S. 6,014,686) disclose an apparatus and methods for highly available directory services in the distributed computing environment.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Ailes, whose telephone number is (571) 272-3899. The examiner can normally be reached Monday-Friday (7:30-5).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached at (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-3906.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [benjamin.ailles@uspto.gov].

All Internet e-mail communications will be made of record in the application file. PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

A handwritten signature in black ink, appearing to read "Andrew Caldwell", with a stylized circular flourish at the end.

ANDREW CALDWELL
SUPERVISORY PATENT EXAMINER

BAA